

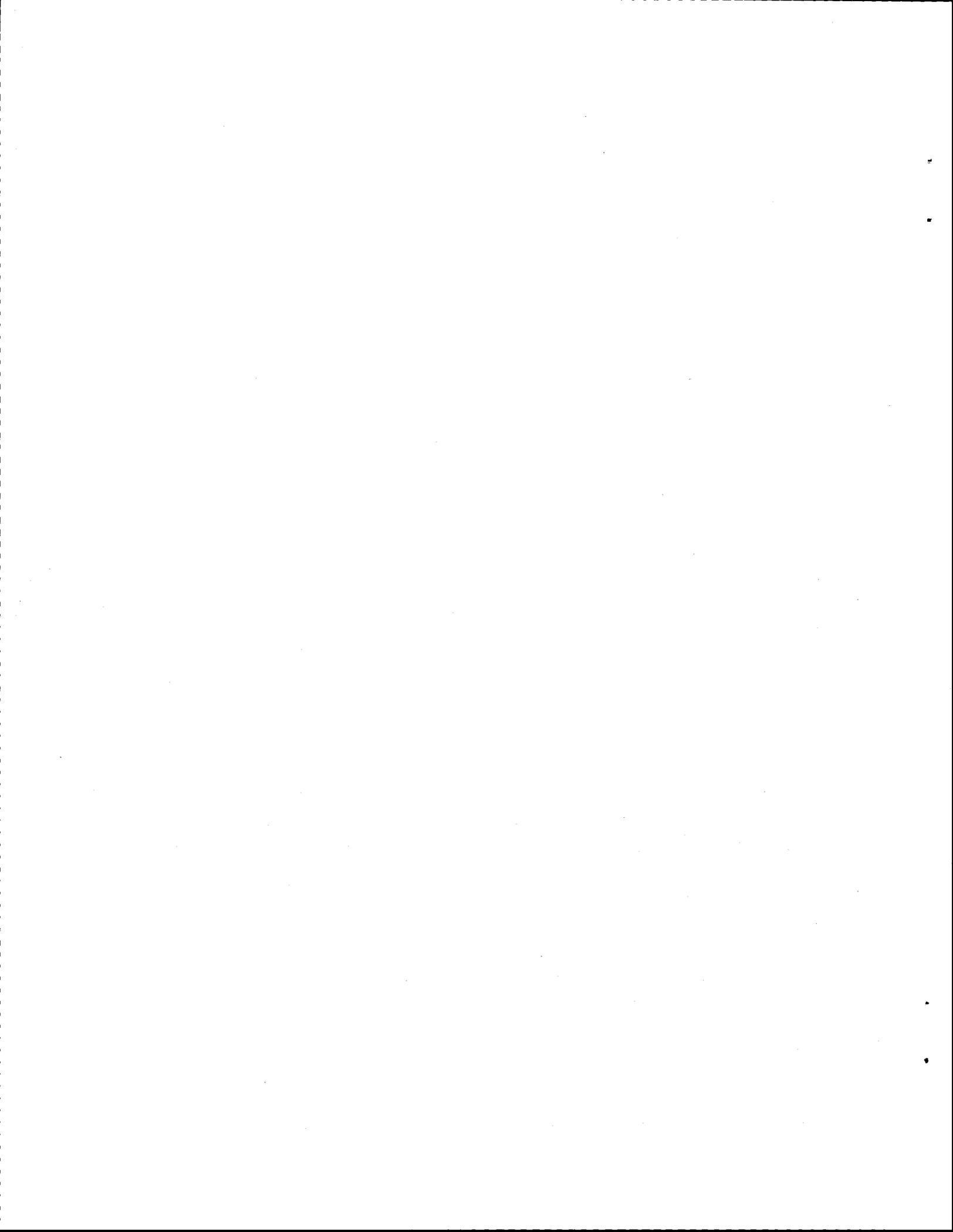
LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

ATHLETIC TRAINERS



ASSESSMENT REPORT

1995





North Carolina General Assembly

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May 31, 1995

TO THE MEMBERS OF THE GENERAL ASSEMBLY:

Attached for your consideration is the assessment report on the licensing of athletic trainers (Senate Bill 93). This report serves as both the preliminary and final assessment reports, as required under Article 18A of Chapter 120 of the General Statutes.

**Senator David Parnell, Chairman
Legislative Committee on New Licensing Boards**

**PREPARED BY:
Linwood Jones, Counsel
Legislative Committee on New Licensing Boards**



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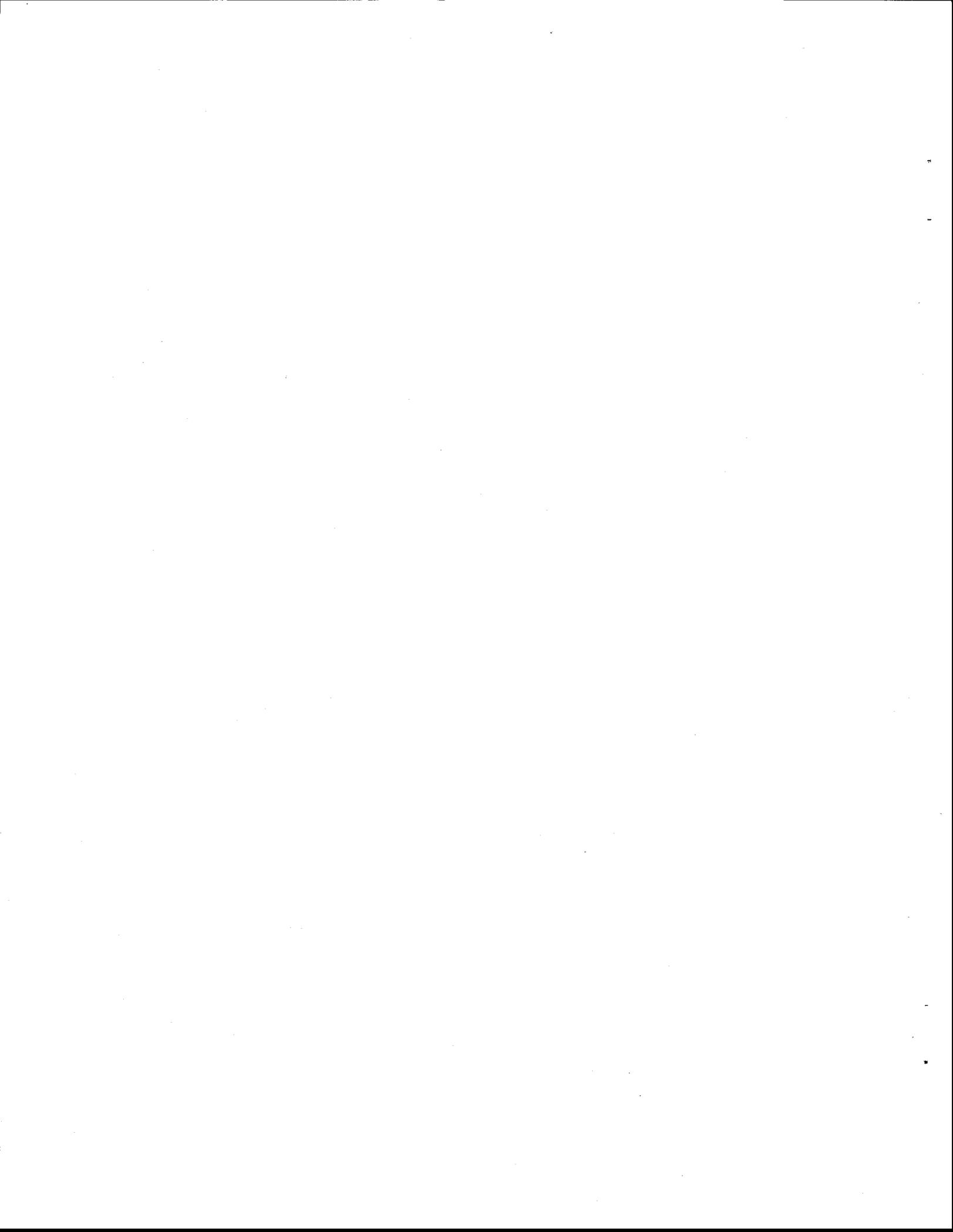
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ASSESSMENT REPORT

Athletic trainers provide preventive and rehabilitative care for injuries suffered by athletes and other physically active individuals. The National Athletic Trainers Association Board of Certification, the voluntary credentialing organization for athletic trainers, has defined five domains of practice for athletic trainers in its most recent Role Delineation Study (3rd Edition): prevention of athletic injuries; recognition, evaluation, and immediate care of athletic injuries; rehabilitation and reconditioning of athletic injuries; health care administration; and professional development and responsibility. Athletic trainers would be specifically authorized to use physical modalities, including heat, light, sound, cold, electricity, and mechanical devices related to rehabilitation and treatment. These modalities are also sanctioned for use by physical therapists under G.S. 90-270.24(4), although the athletic trainers would be restricted in their use of these modalities to athletic injuries. The athletic trainer's rehabilitative care must be carried out upon the advice and consent of a physician.

Under Senate Bill 93, athletic trainers would be licensed, beginning January 1, 1996, upon successful completion of the education or experience requirements under proposed G.S. 90-476, passage of the Board examination, and payment of the required fee. Athletic trainers practicing since August 1, 1993, would be grandfathered in if they have a four-year college degree from an accredited college or university, comply with certain other statutory requirements, and meet minimal standards as set by the Board. Local school units could hire unlicensed athletic trainers as long as those trainers did not otherwise hold themselves out as athletic trainers to the public.

The modalities and rehabilitative equipment used by athletic trainers can, if misused, cause significant harm to persons being treated for athletic injuries. An unqualified trainer may worsen an athletic injury or increase the risk of re-injury. In recognition of these risks and potential harm, over one-half of the states already have certification, registration, or licensure provisions in place for athletic trainers. An estimated 600 persons would be affected by the licensure of athletic trainers in North Carolina. It is also estimated that approximately 1/2 million people would receive care from athletic trainers.

The Legislative Committee on New Licensing Boards makes the following findings:

- (1) The unregulated practice of athletic trainers can substantially harm or endanger the public health, safety, or welfare, and the potential for such harm is recognizable and not remote or dependent upon tenuous argument.
- (2) The practice of athletic trainers possesses qualities that distinguish it from ordinary labor.
- (3) The practice of athletic trainers requires specialized skill and training.
- (4) A substantial majority of the public does not have the knowledge or experience to evaluate the practitioners' competence.
- (5) The public cannot be effectively protected by other means.
- (6) Licensure would not have a substantial adverse economic impact upon consumers.

The Legislative Committee on New Licensing Boards recommends the licensing of athletic trainers.

Assessment Report
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This assessment report is based on the proposals to license athletic trainers, as contained in Senate Bill 93 and the questionnaire submitted by the sponsor (attached).

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- A-11-7-72
F-11-11-72
- I. A. In what ways has the marketplace failed to regulate adequately the profession or occupation.

At the present time any individual can represent theirself as an athletic trainer without any prior education or work experience being required. This has reduced the level of care given to athletes, especially on the high school level.

- B. Have there been any complaints about the unregulated profession or occupation? Please give specific examples including complainant's names and adresses.

There has been several incidences in which an athlete has not recieved care, recieved subpar care or has recieved care that was damaging. The following are physicians that can give you specific examples.

Dr. Ronald Moffit M.D. 712 Flemming St. Hendersonville NC
Dr. R. Christian Estes M.D. 1027 Fleming St. Hendersonville NC

II. A. In what ways has the public health, safety, or welfare sustained harm or is imminent danger of harm because of the lack of state regulation.

Unqualified persons giving treatment has caused injury or worsened conditions. Because of the lack of training the incidence of re-injury is increased and athletes have recieved inadequate care.

B. Please give specific examples including names and addresses.

III. A. Is there potential for substantial harm or danger by the profession or occupation to the public health safety or welfare? How can this potential for substantial harm or danger be recognized.

No. If used by unskilled personnell, the modalities and rehabilitation equipment used by the profession would create potential for harm in this profession. Licensure would drastically reduce this potential by insuring that individuals are properly trained. Continuing education would also be required by licensure. This would keep individuals updated on current accepted practices. Licensure would insure a minimum level of competency.

B. Has this potential harm or danger to the public been recognized by other states or the federel government through the licensing or certification process? Please list the other states and give the relevant statutory citations.

Yes. The following is a list of the states have a licensure process in place or are petitioning their state governments for licensure. (see attached sheets provided by the NATA)

The following are statutory citations:

Alabama SB 318, HB 383
Arizona ARS 32-2021
California 5UR 5593
Colorado 12-36 106 CRS
Connecticut Con Gen St 19a-16a
Delaware 24 Del c. chap. 26
Florida
Georgia OCGA 43-5-1; 53-1
Hawaii HRS 461 j-3
Illinois 225 Ill Comp St 1992
PA 84-1080
Iowa IA HF 2387 (1994)
Kentucky KRS Ann 311.900
Louisiana L.A. R.S. 37:330z
Massachusetts 259CMR 1.0-5.1
Mississippi MS Code 36-29
Nebraska PS NB 71-1240

New Jersey 45:9-37.34a
New Mexico 61-14d-1
New York NYSB 3834-B
North Dakota ND cert 43-39-01
Ohio ORC 4765-60
Oklahoma OK code 525
Oregon SB 167 (1993)
Pennsylvania 49 PA Code 40-5
Idaho ID Code 54-3911
Indiana IC 25-5.1
Rhode Island RI Code 5-60-1
South Carolina 44-75-20
Tennessee 63-24-101
Texas 451-2d
Minnesota 1993 Minn ALS 232
Missouri 334.704 RS.MO
New Hampshire RSA 328-B:10

IV. A. What will be the economic advantage of licensing to the public?

On the high school, college and professional levels treatments would be done at no charge. Screening of athletes would occur on the school level and would reduce the number of visits to emergency rooms, physicians and clinics. Re-injury rate would be decreased because of the increased level of care and this would reduce the number of individuals asking for medical care.

B. What will be the economic disadvantages of licensing to the public?

None.

C. What will be the economic advantages of licensing to the practitioners?

It could increase the salary and the benefits to the individual providing the care. There would also be an increase in the number of athletic trainers hired.

D. What will be the economic disadvantages of licensing to the practitioners?

The cost of having to pay a licensing fee and cost the of maintaining continuing education.

E. Please give other potential benefits to the public of licensing that would outweigh the potential harmful effects of licensure such as a decrease in the availability of practitioners and higher cost to the public.

It guarantees a level of competency of an Athletic Trainer and that the competency is maintained which guarantees a minimal standard of quality care. On the high school and college levels the delivery of health care would occur at the school instead of a medical facility such as an emergency room.

- V. A. Please detail the specific specialized skills or training that distinguish the occupation or profession from ordinary labor. How is each justified?

Included is a copy of the Role Delineation Study of the National Athletic Trainers Association. These are the recognized national standards required by the profession.

- B. What are other qualities of the profession or occupation that distinguish it from ordinary labor?

See the Role Delineation Study.

- VI. A. Will licensing requirements cover all practicing members of the occupation or profession? If any practitioners of the profession or occupation will be exempt, what is the rationale for the exemption?

This licensure will cover all individuals who hold themselves out as Athletic Trainers. See 90.483

- B. What is the approximate number of persons who will be regulated and the number of persons who are likely to utilize the services of the occupation or profession?

Approximately 600 individuals will be regulated. The persons utilizing the services will receive care in high schools, colleges, clinics, industry and professional settings. We estimate that approximately 1/2 million people will receive care from the individuals that are regulated.

- VII. What kind of knowledge or experience does the public need to have to be able to evaluate the services offered by the occupation or profession?

The same knowledge as needed for any other Allied Health Care Profession.

- VIII. Does the occupational group have an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service? Please document.

See enclosed brochures and NATA code of ethics.

IX. Please cite and document the extent to which any other licensing board in North Carolina regulates similar or parallel functions to the profession or occupation.

Physical Therapy license

NATIONAL ATHLETIC TRAINERS' ASSOCIATION

Athletic Training Regulatory Departments Application Information

ALABAMA

Alabama Board of Athletic Trainers
415 Monroe Street
Montgomery, AL 36104
phone #: N/A
Fax #: N/A
Ron Courson

DELAWARE

Delaware Board of Athletic Trainers
O'Neill Building
P.O. Box 1401
Dover, DE 19903
(302) 739-4522
Fax (302) 739-2711
Lena Corder

FLORIDA

Florida Department of Business and Professional Regulation
Division of Professions
Northwood Centre
1940 North Monroe Street
Tallahassee, FL 32399-0760
(904) 487-9824
Fax (904) 922-2918
Dot Falcloth

GEORGIA

Georgia Board of Athletic Trainers
166 Pryor Street, SW
Atlanta, GA 30303
(404) 656-6719
Fax (404) 651-9532
Lilan Norton

IDAHO

Idaho State Board of Medicine
280 North 8th Street
State House, Suite 202
Boise, ID 83720
(208) 334-2822
Fax (208) 334-2801
Jackie Morris

ILLINOIS

Dept. of Professional Regulation
Technical Assistance
320 W. Washington, 3rd Floor
Springfield, IL 62786
(217) 782-8556
Fax (217) 782-7645

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402 West Washington Street
Room 041
Indianapolis, IN 46204
(317) 292-2960
Fax (317) 233-4236
Barbara Marvel McNutt

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Kentucky Board of Medical Licensure
310 Whittington Parkway
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Fax (502) 429-9923
Angela Baker

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Paula Mensen

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MINNESOTA

State Board of Medical Practice
2700 University Ave., West #106
St. Paul, MN 55114-1080
(612) 642-0533
Jeanne Hoffman

MISSISSIPPI

Mississippi State Department of Health
Office of Professional Licensure
P.O. Box 1700
2423 North State Street
Jackson, MS 39215-1700
(601) 987-4153
Fax (601) 960-7948
David Kweller

MISSOURI

Missouri State Board for the Healing Arts
P.O. Box 4
Jefferson City, MO 65102
(314) 751-0144
Fax (314) 751-3166
Karia Laughlin

NEBRASKA

Department of Health
Bureau of Examining Boards
301 Centennial Mall South
P.O. Box 95007
Lincoln, NE 68509-5007
(402) 471-2115
Fax (402) 471-0383
Irene Eckman

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Board of Registration in Medicine
Health and Welfare Building
Hazen Drive
Concord, NH 03301
(603) 271-4501

NEW JERSEY

The Board of Medical Examiners
140 East Front Street
Trenton, NJ 08608
(609) 826-7100
Fax (609) 984-3930
Elizabeth Fariakas

NEW MEXICO

Regulation & Licensing Department
Athletic Training Practice Board
P.O. Box 25101
Santa Fe, NM 87504
(505) 827-7164
Fax (505) 827-7095
Becky Armijo

NEW YORK

State Board for Medicine
Room 3023, Cultural Education Center
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Thomas Monahan

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Robyn Kemp

OREGON

Licensure Program, Health Division
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Salem, OR 97310
(503) 378-8667, ext. 4322
Tricia C. Allbritton

PENNSYLVANIA

State Board of Physical Therapy
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 783-7134
Fax (717) 787-7769
Shirley Klinger

RHODE ISLAND

Rhode Island Department of Health
Professional Regulations
3 Capital Hill, Room 104
Providence, RI 02908
(401) 277-2827
Fax (401) 277-1272
Arthur L. Simonini

SOUTH CAROLINA

Dept. of Health & Environmental Control
Center for Health Promotion
P.O. Box 10116-Mills Complex
Columbia, SC 29201
(803) 737-4120
Fax (803) 253-4001
Susan Provence

SOUTH DAKOTA

South Dakota Board of Medical Examiners
1323 S. Minnesota Ave.
Sioux Falls, SD 57105
(605) 336-1965
Fax (605) 336-0270
Mitzi Turley

TENNESSEE

Board of Medical Examiners
State Department of Health
287 Plus Park Blvd.
Nashville, TN 37247-1010
(615) 367-6393 or 6231
Fax (615) 367-6397
Melissa Haggard

TEXAS

Texas Dept. of Health
Professional Licensing & Certification Division
Advisory Board of Athletic Trainers
1100 West 49th Street
Austin, TX 78756
(512) 834-6615
Fax (512) 834-6677
Becky Berryhill

WEST VIRGINIA *

West Virginia Department of Education
Building 6, Room 309
1900 Kanawha Boulevard East
Charleston, WV 25305-0330
(304) 558-2691
Fax (304) 558-0048
John Ray, Coordinator,
Health & Physical Education
* Regulates Employment in Public Schools

Governmental Affairs Committee
NATA, Inc.

<u>Type of Legislative Action</u>	<u>State</u>	<u>Type of Legislative Action</u>	<u>State</u>
Licensure	Alabama		Montana
	Alaska	Licensure	Nebraska
* Exemption	Arizona		Nevada
	Arkansas	Registration	New Hampshire
	California	Registration	New Jersey
* Exemption	Colorado	Licensure	New Mexico
* Exemption	Connecticut	Certification	New York
Licensure	Delaware		North Carolina
	Dist. of Columbia	Licensure	North Dakota
Registration	Florida	Licensure	Ohio
Licensure	Georgia	Licensure	Oklahoma
* Exemption	Hawaii	Registration	Oregon
Registration	Idaho	Certification	Pennsylvania
Registration	Illinois	Licensure	Rhode Island
Certification	Indiana	Certification	South Carolina
Licensure	Iowa	Licensure	South Dakota
	Kansas	Certification	Tennessee
Certification	Kentucky	Licensure	Texas
Certification	Louisiana		Utah
	Maine		Vermont
	Maryland		Virginia
Licensure	Massachusetts		Washington
	Michigan		West Virginia*
Registration	Minnesota		Wisconsin
Licensure	Mississippi		Wyoming
Registration	Missouri		

* Department of Education establishes minimum requirements for individuals employed by the state (working in public schools).

